

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review

DATE: January 28, 2014

SUBJECT: BZA Case 18698 - request for use variance relief (§ 350.4) for a yoga studio at 300 M Street, SW in the R-5-D zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following use variance relief to allow a commercial use in a residential zone:

- § 350.4 (yoga studio, not permitted in the R-5-D zone).

II. LOCATION AND SITE DESCRIPTION

Address:	300 M Street, SW (See Attachment 1.)
Legal Description:	Square 546, Lot 302
Ward/ANC:	6/6D
Lot Characteristics:	The property is irregular in shape and generally bounded on the north by M Street SW, the west by 4 th Street SW, and the south by N Street SW. To the east are residential buildings.
Zoning:	R-5-D – medium-high density residential.
Existing Development:	The property is improved with three condominium buildings. Also on the property are surface parking spaces serving the condominium buildings.
Historic District:	Not applicable.
Adjacent Properties:	To the east, west, and south are condominiums in the R-3 zone. To the north, across M Street SW, are the Waterfront Metro Station and a mixed-use development in the C-3-C zone.
Surrounding Neighborhood Character:	The immediate area consists of a variety of commercial and residential uses.

III. APPLICATION IN BRIEF

The applicant, owner Pamela Fierst, proposes to operate a yoga studio in an existing residential condominium building.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The applicant seeks use variance relief from § 350.4, permitted uses in the R-5-D zone, pursuant to § 3103.2. This request would allow a yoga studio for group instruction to operate in a residential condominium building in the R-5-D zone.

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 350.4, yoga studio in the R-5-D zone

i. Exceptional Situation Resulting in an Undue Hardship

The property has an exceptional situation that results in an undue hardship for the owner. The subject property is located on the ground floor of an existing residential condominium building. The development consists of three buildings and the ground floor space in each building is used for commercial or other public uses (dry cleaners, condominium office, and community meeting room). The ground-floor property is surrounded on all sides by floor-to-ceiling windows and each room has at least one glass door that exits to common areas shared by residents of the approximately 400-unit condominium development. The sole access to the subject property is through the exterior doors – the unit does not have a door that provides access to the core of the building. The interior space also is not conducive to residential use as a prior owner installed floor-to-ceiling mirrors throughout the space. The subject ground floor space is not suitable for residential use and it would be an undue hardship for the applicant to attempt to retrofit the space for residential use.

ii. No Substantial Detriment to the Public Good

Granting the requested relief should not result in a substantial detriment to the public good. Use of the subject property as a yoga studio should not create a negative impact on the community with respect to traffic, noise or lighting. The applicant indicates that visitors to the studio would likely arrive on foot (from the surrounding community) or via Metro (located to the north of the property across M Street, SW) and would not result in an increase in traffic. Use of the property as a yoga studio should not result in an increase in noise. The studio does not have specific lighting requirements beyond the existing lighting on the property. The condominium, in which the subject property is located, supports the requested relief. The applicant would comply with all applicable condominium covenants and bylaws.

iii. No Substantial Harm to the Zoning Regulations

No substantial harm would be done to the Zoning Regulations by granting the requested relief. The subject property has been used for non-residential uses in the past, including as a storage space for the condominium association. The remaining ground floor units in the condominium development are used for non-residential uses, including a commercial dry cleaner. No exterior changes would be necessary.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies at the time this report was drafted.

VII. COMMUNITY COMMENTS

The Commissioner from ANC 6D05 submitted a letter dated November 1, 2013, indicating support for the requested zoning relief. The applicant indicates that the condominium association supports the requested relief.

Attachment: Location map

